

By: Howard of Travis

H.B. No. 4756

A BILL TO BE ENTITLED

AN ACT

relating to the Lower Colorado River Authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 8503, Special District Local Laws Code, is amended by adding Section 8503.0031 to read as follows:

Sec. 8503.0031. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but is not abolished under that chapter.

(b) The authority shall be reviewed during the period in which state agencies scheduled to be reviewed or abolished in 2011 and every 12th year after that year are reviewed.

SECTION 2. Sections 8503.006(a), (c), (f), (g), and (h), Special District Local Laws Code, are amended to read as follows:

(a) The powers, rights, privileges, and functions of the authority shall be exercised by the board. The board shall consist of 15 directors appointed as follows:

(1) the commissioners court of each county named in Section 8503.003 shall appoint one director from that county; and

(2) the governor, with the advice and consent of the senate, shall appoint:

(A) one director from Travis County;

(B) one director from the counties named in Section 8503.003 other than Travis County; and

1            (C) three directors [~~and shall include at least~~  
2 ~~one director from each of the counties named in Section 8503.003~~  
3 ~~except Travis County, which shall have two directors. Three~~  
4 ~~directors shall be appointed~~] at large from the counties served  
5 with electric power, other than the counties named [~~included~~] in  
6 Section 8503.003.

7            (c) All directors shall be appointed [~~by the governor with~~  
8 ~~the advice and consent of the senate~~] for staggered terms of six  
9 years, with five directors' [~~members'~~] terms expiring on February 1  
10 of each odd-numbered year.

11            (f) At the expiration of the term of a director, a successor  
12 shall be appointed in the manner provided by this section [~~by the~~  
13 ~~governor with the advice and consent of the senate~~]. Each director  
14 shall hold office until the expiration of the term for which the  
15 director was appointed and until a successor has been appointed and  
16 has qualified, unless removed sooner as provided by this section.

17            (g) The entity that appointed a director may remove the [A]  
18 director [~~may be removed by the governor~~] for inefficiency, neglect  
19 of duty, or misconduct in office after at least 30 days' written  
20 notice of the charges against the director and an opportunity to be  
21 heard in person or by counsel at a public hearing.

22            (h) A [~~The governor shall appoint a person to fill a~~  
23 vacancy on the board shall be filled for the unexpired term in the  
24 manner provided by this section for the original appointment.

25            SECTION 3. Section 8503.007(a), Special District Local Laws  
26 Code, is amended to read as follows:

27            (a) The board shall elect one of their number [~~governor~~

1 ~~shall designate a director]~~ as the presiding officer of the board  
2 and ~~[to serve in that capacity at the pleasure of the governor. The~~  
3 ~~board shall elect]~~ one of their number as an assistant presiding  
4 officer.

5 SECTION 4. Chapter 8503, Special District Local Laws Code,  
6 is amended by adding Section 8503.032 to read as follows:

7 Sec. 8503.032. WATER PRESSURE SAFETY STANDARDS. In  
8 accordance with commission rules for public water systems, the  
9 authority shall ensure that for any area in which the authority owns  
10 or operates the local water supply system, the water pressure for  
11 service to fire hydrants in the area is adequate to protect public  
12 safety.

13 SECTION 5. (a) The change in law made by this Act does not  
14 affect the term of a member of the board of directors of the Lower  
15 Colorado River Authority serving on the effective date of this Act.  
16 Members appointed to fill vacancies occurring on or after the  
17 effective date of this Act must be appointed in accordance with  
18 Section 8503.006, Special District Local Laws Code, as amended by  
19 this Act.

20 (b) The change in law made by this Act does not prohibit a  
21 person who is a member of the Lower Colorado River Authority board  
22 of directors before the effective date of this Act from being  
23 appointed as a member of the board of directors under the new  
24 composition of the board of directors if the person has the  
25 qualifications required for the position under Section 8503.006,  
26 Special District Local Laws Code, as amended by this Act.

27 SECTION 6. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this  
2 Act, has been published as provided by law, and the notice and a  
3 copy of this Act have been furnished to all persons, agencies,  
4 officials, or entities to which they are required to be furnished  
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6 Government Code.

7 (b) The governor, one of the required recipients, has  
8 submitted the notice and Act to the Texas Commission on  
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor, the  
12 lieutenant governor, and the speaker of the house of  
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

18 SECTION 7. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.